

MARYLAND DEPARTMENT OF THE ENVIRONMENT

Shari T. Wilson, Secretary

BILL NO: Senate Bill 606

COMMITTEE: Environmental Matters

POSITION: Oppose

TITLE: Carroll County - Privately Employed Sanitarians Licensed by the State - Soil Percolation Tests

BILL ANALYSIS: This bill would provide that in Carroll County, the County or local health department may not prohibit a person from directly hiring or scheduling a privately licensed sanitarian to conduct a soil percolation test and would require the county or local health department to accept percolation test results from privately licensed sanitarians. This provision sunsets on June 30, 2011.

POSITION AND RATIONALE: MDE opposes this bill. This bill erodes the county health department's ability to effectively perform a State delegated authority. The bill would require the health department to accept the result of privately obtained soil percolation tests, even if it believes that the test was conducted improperly. Further, although the proposed legislation allows the health department to be on hand to witness the test, there is no requirement that the scheduling of the test be coordinated with local authority. This may result in a low percentage of tests actually witnessed by the local health department. Finally, because septic problems often take several years to manifest themselves, the 2-year sunset provision in the bill provides little or no assurance that the privatization program could be adequately assessed over this period.

Soil percolation testing that is conducted by local health department sanitarians is one of the most important measures to protect the State's critical water resources. This bill weakens the State's oversight of this important function and could potentially compromise public health and the environment.

FOR MORE INFORMATION,
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